

Case 3:14-cv-01442 Document 1 Filed 07/10/14 Page 1 of 3 PageID #: 1

2. On or about June 13, 2014 Plaintiff purported to serve H & O Transport, Inc. with a copy of the Summons and Complaint. True and correct copies of the Summons and Complaint are attached hereto as **Exhibit 1**.

3. On or about June 14, 2014 Plaintiff purported to serve Stacey E. Colvin with a copy of the Summons and Complaint.

4. Plaintiff is a resident of the state of Indiana residing at 3388 Smoky Mountain Drive, Lawrenceburg, IN 47025. (Compl. ¶ 1). The Complaint does not allege that either Plaintiff is a resident of Kentucky, nor does it allege any connection to the state.

5. H & O Transport, Inc. is a Kentucky corporation. With a principal place of business in Campbellsville, Kentucky.

6. This Civil Action is one of which the Court has federal question jurisdiction pursuant to 28 U.S.C. § 18.

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as fewer than 30 days have elapsed since the date of filing.

8. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 because the Court has diversity jurisdiction over the subject matter of all claims, pursuant to 28 U.S.C. § 1332 inasmuch as (1) the suit is between citizens of different states, and (2) upon information and belief, the amount in controversy is \$75,000 or more, exclusive of costs and interest.

9. Pursuant to 28 U.S.C. § 1446(d), Plaintiff will be served with written notice of the filing of this removal and a copy of this Notice of Removal will be filed contemporaneously with the Circuit Court for the State of Tennessee, Rutherford County. A true and correct copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit 2**.

WHEREFORE, Defendant H & O respectfully removes the State Court Action now pending against it in the Circuit Court for Rutherford County be removed to the United States District Court for the Middle District of Tennessee.

Respectfully submitted,



Clarence Risin (BPR #016874)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
211 Commerce Street, Suite 800
Nashville, TN 37201
(615) 726-5600
crisin@bakerdonelson.com

Attorneys for Defendant, H & O Transport, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been sent via U.S. Mail, postage prepaid, to the following:

Sara F. Reynolds Esq.
Sean C. Wlodarczyk, Esq.
Anderson & Reynolds PLC
3100 West End Avenue, Suite 225
Nashville, TN 37203

Attorney for Plaintiff

W. Bryan Brooks
Brewer, Krause, Brooks
Chastain & Burrow, PLLC

Attorney for Erie Insurance Exchange

this 10th day of July, 2014.



Clarence Risin